IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CLEAN ENERGY MANAGEMENT SOLUTIONS, LLC,	)
Plaintiff,	)
	) Civil Action No. 2:16-cv-995
v.	)
	) **JURY TRIAL DEMANDED**
CASCADE ENERGY, INC.,	)
Defendant.	)

COMPLAINT

For its Complaint, Plaintiff Clean Energy Management Solutions, LLC ("Clean Energy"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. Clean Energy is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 475, Plano, Texas 75093.

2. Defendant Cascade Energy, Inc. is an Oregon corporation with, upon information and belief, a place of business located at 1651 W. Terra Cotta Avenue, Suite 221, Crystal Lake, Illinois 60014.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

5. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses

of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

6. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENTS-IN-SUIT

7. On June 10, 2003, U.S. Patent No. 6,577,962 (the "'962 patent"), entitled "System and Method for Forecasting Energy Usage Load," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '962 patent is attached hereto as Exhibit A.

8. An inventive concept of the '962 patent greatly enhances the ability to forecast energy usage load for a facility. It improves energy load forecasting by, among other things, allowing for dynamic, real-time energy load forecasting for a site.

9. The claims of the '962 patent, moreover, describe a solution necessarily rooted in computer technology to solve a problem specifically arising in the realm of energy management. The patent specification, for example, explains how conventional methods were not capable of adapting the forecasting model to changing operational conditions, and instead, incremental improvement of the model required off-line reprocessing of the entire set of available data and then recalculating forecasting models; such off-line reprocessing required system downtime to update the forecasting models appropriately, and consequently, facilities generally could not receive up-to-date forecasting information as needed to adequately manage energy usage and control costs. Additionally, conventional load forecasting systems were primarily used by utilities for predicting aggregate energy load (i.e., the energy load of a region or a market sector), and were generally incapable of predicting site-level load forecasts because they could not adapt to variable changing conditions in real-time so that the forecasts did not change based on

changing conditions. The '962 patent overcame these difficulties, among others, by using a load forecasting application that includes a parameter identification module for determining periodic energy load usage and a load prediction module for generating energy usage load forecast profiles; and the load forecast profiles may be updated periodically to reflect changing conditions.

10. Clean Energy is the assignee and owner of the right, title and interest in and to the '893 and '962 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,577,962

11. Clean Energy repeats and realleges the allegations of paragraphs 1 through 10 as if fully set forth herein.

12. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 1 of the '962 patent by making, using, importing, offering for sale, and/or selling, systems and methods for forecasting energy usable load, including, but not limited to, SENSEI.

13. More specifically and upon information and belief, Defendant's SENSEI is a system for forecasting energy usage load for a facility. *See* http://energysensei.com/the-future-of-energy-tracking-software-whats-new-for-sensei/ (last accessed Sept. 6, 2016); http://energysensei.com/category/corporate (last accessed Sept. 6, 2016). Defendant's SENSEI uses a server with a load forecasting application. *See* SENSEI Energy Efficiency Platform ("Platform") at p. 1 (available at http://cascadeenergy.com/wp-content/uploads/2012/11/SENSEI_Utility_web_r4_1.pdf (last accessed Sept. 6, 2016). It determines periodic energy load usage of a facility. *See id.*; http://energysensei.com/energy-cost-

management/ (last accessed Sept. 6, 2016). SENSEI has a load prediction module for generating energy usage load forecasts in a real-time adaptive manner, *see* http://energysensei.com/category/corporate/ (last accessed Sept. 6, 2016); http://energysensei.com/osi-partners-with-cascade-to-expand-energy-program/ (last accessed Sept. 6, 2016); http://energysensei.com/measurement-and-verification/ (last accessed Sept. 6, 2016), and it has a database associated with the server for storing load forecasting information. *See* http://energysensei.com/topics/additional-features-specs/ (last accessed Sept. 6, 2016).

14. Clean Energy is entitled to recover from Defendant the damages sustained by Clean Energy as a result of Defendant's infringement of the '962 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Clean Energy hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Clean Energy requests that this Court enter judgment against Defendant as follows:

A. An adjudication that Defendant has infringed the '962 patent;

B. An award of damages to be paid by Defendant adequate to compensate Clean Energy for Defendant's past infringement of the '962 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Clean Energy's reasonable attorneys' fees; and

D. An award to Clean Energy of such further relief at law or in equity as the Court deems just and proper.

Dated: September 6, 2016

/s/ Richard C. Weinblatt
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